

August 7, 2001

FACT SHEET

REVISION OF STANDARDS OF PERFORMANCE FOR NITROGEN OXIDES EMISSIONS FROM FOSSIL-FUEL FIRED STEAM GENERATING UNITS

TODAY'S ACTION

- ! The U.S. Environmental Protection Agency (EPA) is withdrawing certain provisions of the nitrogen oxides (NO_x) emission standards for new electric utility boilers and industrial boilers which were promulgated on September 16, 1998. These provisions apply to electric utility boilers and industrial boilers modified after July 9, 1997.
- ! The EPA is withdrawing these provisions in response to an order issued by the United States Court of Appeals for the District of Columbia Circuit in *Lignite Energy Council, et al., v. Environmental Protection Agency*, on September 21, 1999. This order vacated these provisions.

BACKGROUND

- ! Under the Clean Air Act, the EPA is required to set new source performance standards (NSPS). These standards are uniform national air emission standards that limit the amount of air pollution allowed from new sources or modified existing sources.
- ! In September 1998, EPA published revised NSPS for emissions of nitrogen oxides from both new utility boilers and new industrial boilers. These standards are based on the performance of the best control technologies used by comparable facilities. These revisions also changed the NO_x emission limit for new electric utility steam generating units from a heat input basis to an electrical output basis to promote energy efficiency.
- ! Under section 111 of the Clean Air Act, any stationary source built, modified or rebuilt after applicable NSPS is proposed are subject to any final standards promulgated by EPA. Thus, any affected facility on which construction, modification or reconstruction was or is commenced after July 9, 1997 would normally be subject to the revised NSPS as promulgated.
- ! Modification means “any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted.”
- ! Following promulgation of the final rule, published on September 16, 1998, a number of

industry groups filed petitions for review in the United States Court of Appeals. EPA also filed a motion requesting that the court remand the standards, as applied to modified or reconstructed boilers, to EPA for further consideration and explanation. In the motion, the Agency indicated that in the final rule EPA provided an inadequate explanation of the standards as applied to modified or reconstructed boilers.

- ! In response to our motion, petitioners filed a motion to vacate the standards as applied to modified boilers. On September 21, 1999, the court issued an order granting the petitioners' motion and vacated the provisions of the final rule applicable to boilers modified after July 9, 1997.

EFFECT OF THIS ACTION

- ! Owners and operators of electric utility boilers on which modification is commenced after July 9, 1997 will be required to comply with the applicable nitrogen oxides emission limits specified in the pre-existing NSPS (promulgated June 11, 1979).
- ! Owners and operators of industrial-commercial-institutional boilers on which modification is commenced after July 9, 1997 will be required to comply with the applicable nitrogen oxides emission limits specified in the pre-existing NSPS (promulgated December 16, 1987).

FOR MORE INFORMATION

- ! Interested parties can download the amendments from EPA's web site under "recent actions" at the following address: <http://epa.gov/ttn/oarpg>. For other information regarding utility and industrial boilers, visit EPA's web site at: <http://www.epa.gov/ttn/atw/combust/boiler/boilnsps.html>.
- ! For further information, contact Jim Eddinger at EPA's Office of Air Quality Planning and Standards at 919-541-5426.